

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 7, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, May 7, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Harry Warren, St. John Baptist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Mr. Burgett led the Pledge of Allegiance.

### **PRESENTATIONS**

#### **INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Wiggins welcomed and introduced the following new Boards and Commissions members and presented them with York County pins and Boards and Commissions hand-books:

Leona M. Self	Beautification Committee
Lanna T. Rackley	Beautification Committee
Bernice Little	Beautification Committee
Donna Lushbaugh	Arts Commission
William T. Euker	Parks and Recreation Advisory Board

#### **OUTSTANDING YOUTH OF THE YEAR AWARDS**

Chairman Wiggins noted that this was the 13<sup>th</sup> year that the York County Youth Commission and the Board of Supervisors had sponsored the Outstanding Youth of the Year Awards. He noted that there are four awards in the categories of Courage, Compassion, Overall Achievement, and Community Service. A reception was held earlier in the evening to honor this year's recipients, and at this time it was the Board's pleasure to publicly recognize them.

Ms. Tara Smiddy, York County Youth Commissioner, read the citations for each of the awardees, and Chairman Wiggins presented the recipients with a bound and sealed copy of the commendation resolution and an engraved Jefferson Cup in recognition of their accomplishments. Presentations for this year's awards were made to:

Lynn Gantt	Community Service
Chris Winner	Compassion
Jennifer Tonneson	Overall Achievement
Bobbie Robertson	Courage

#### **CITIZENS COMMENT PERIOD**

Mr. Bruce Peterson, President of the York County Business Association, spoke of the individuals who helped provide support to the law enforcement officers during the event at the Tabb Library last Saturday. He noted that donations of merchandise from local businesses as well as cash were received.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett also spoke of the County's involvement in last Saturday's event at the Tabb Library. He stated that many questions were raised about the County's Public Areas Ordinance and the requirement for permits to demonstrate. Questions were asked about the County's building use policy and ways to tighten it up or improve it. He stated that with recent Supreme Court decisions, he had some ideas for modifying the County's policy. Mr. Barnett then noted he had a new clerk from the College of William and Mary starting in his office on Monday, and one of the first things he would have her do is delve into those areas and bring the Board some alternative ideas and suggestions during the summer.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds thanked everyone who took part in the preparations for the meeting at the Tabb Library this past Saturday. He noted that the event went better than expected as there could have been several hundred people in attendance. A small turn-out occurred, and order was maintained. Mr. McReynolds stated that the County could handle the expenditures for the event within existing appropriations. During this year's review of County policies, staff will be looking at the Facilities Use Policy to see if any changes are necessary. He noted that on the Consent Calendar this evening was a proposed resolution to ratify two mutual aid agreements in an on-going attempt to reduce costs while being prepared to respond to emergencies. Staff is continuing to work with VDOT officials in Richmond on the appropriate approach to consider no-parking restrictions for commercial vehicles, and they anticipate approval from the Attorney General's office on a draft soon so that the Board can conduct a work session. Once the ordinance is prepared, the Commonwealth Transportation Board must also approve it. Mr. McReynolds then indicated he would be out of the office on Friday attending a VACo Communications Committee meeting.

#### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll spoke of the upcoming Safety Town Program sponsored by the County, area businesses, and the community, and encouraged interested individuals to register their children for this very popular program. She then spoke concerning her recent visit to Zweibrücken, Germany, and on the Exchange Program. She stated she and Mr. McReynolds were received very warmly on their visit to help celebrate Zweibrücken's 650<sup>th</sup> anniversary, and it was evident that Yorktown held a special place in the hearts of the Zweibrücken people. Mrs. Noll stated some people have denounced the exchange program and the student exchange program in particular. She noted the future of the County rests on the youth, and this program opens their eyes to the world at large and not just to what is happening in York County. The students bring back many intangibles as well as the good times they have had. Mrs. Noll stated she hoped the Board would reaffirm its commitment to the exchange program.

Mr. Burgett stated that on Friday the "Right Choices for Youth" luncheon and forum would be conducted, and York County's youth did very well at the recent convention in Northern Virginia. He reported that the County's Master Gardener's plant sale last Saturday was a tremendous success. Mr. Burgett commended the Community Services staff for the outstanding job they did on the Volunteer Appreciation Picnic held April 20, noting that over \$600,000 in contributions of time and goods were recognized by these volunteers. He then mentioned the event at the Tabb Library last Saturday, stating he had attended several of the planning meetings. The staff of the York County Sheriff's Office working with the State Police and other County offices did an incredible job. He stated the plan worked because the event was kept to a non-event, and no one was injured and no property was damaged.

Meeting Recessed. At 7:52 p.m. Chairman Wiggins declared a short recess.

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Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **VACATAION OF SEWER EASEMENT**

Mr. Barnett made a presentation on proposed Resolution R02-87 to authorize the execution of a deed vacating a portion of a sewer easement across property of Lucky Dawg Enterprises, L.L.C.

Mr. Shepperd stated he realized this discrepancy occurred some time ago, but it struck him odd that it would happen in a time when it was just a matter of reading the property plat.

Mr. Hudgins stated this instance did not indicate a wide-spread problem, noting he felt it was a field change of the sewer line location, and the easement was not updated at the time. He stated since he has been with the County he was not aware of this happening at any other time. He noted that the County had procedures in place today so that as a project is completed, the as-builts are compared with the plats.

Chairman Wiggins then called to order a public hearing on proposed Resolution R02-87 that was duly advertised as required by law as is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A DEED VACATING A PORTION OF A SEWER  
EASEMENT ACROSS PROPERTY OF LUCKY DAWG ENTER-  
PRISES, L.L.C.

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing

Mrs. Noll then moved the adoption of proposed Resolution R02-87 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A DEED VACATING A PORTION OF A SEWER  
EASEMENT ACROSS PROPERTY OF LUCKY DAWG ENTER-  
PRISES, L.L.C.

WHEREAS, by a deed dated March 15, 1977, and recorded in the Clerk's Office of the Circuit Court for the County of York, in Deed Book 301, page 740, the County acquired a 16' sewer utility easement across property located on Hampton Highway (State Route 134) and adjacent to Tabb Middle School; and

WHEREAS, it has been discovered that the sewer line for which the easement was acquired was constructed outside of the sewer easement; and

WHEREAS, the owner of the property has agreed to dedicate an appropriately located sewer easement in exchange for a vacation of that portion of the existing easement which crosses its property line.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the County Administrator is hereby authorized to execute a deed, such deed to be approved as to form by the County Attorney, vacating that portion of an existing sewer easement created by a deed recorded in Deed Book 301, page 740, as it crosses property owned by Lucky Dawg Enterprises, L.L.C. and further identified as York County Tax Map Parcel 37-53, provided that the owner shall simultaneously convey to the County a sewer easement in the actual location of the existing sewer line.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

APPLICATION NO. UP-594-02, DOMINION VIRGINIA POWER

Mr. J. Mark Carter, Planning and Zoning Manager, with the use of a video display, made a presentation on Application No. UP-594-02 which requests the amendment of a special use permit pertaining to the conditions relating to fly ash removal from the Dominion Virginia Power-Yorktown Power Station. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-70.

Mr. Shepperd asked about the fly ash material and whether or not it was harmful in any way.

Mr. Carter stated it was not a hazardous material, and he spoke of the many marketable uses for the fly ash.

Discussion followed concerning the current approved haul routes and the possibility of the Board revisiting its approval of any approved route.

Chairman Wiggins then called to order a public hearing on Application No. UP-594-02 which was duly advertised as required by law. Proposed Resolution R02-70 is entitled:

A RESOLUTION TO AMEND RESOLUTION NO. R82-221(R-2), AS  
AMENDED BY RESOLUTION NOS. R92-191(R), R92-292, AND  
R99-69(R), REGARDING HAUL ROUTES FOR THE REMOVAL OF  
FLY ASH FROM THE DOMINION VIRGINIA POWER-YORKTOWN  
POWER STATION AND ASH DISPOSAL SITE

Mr. John Matthews, representing Dominion Virginia Power, introduced Mr. Bruce Easley from the Yorktown Power Station and Mr. Junkleman and Mr. Wallace from the community advisory team from the Waterview Homeowners Association. He indicated there are no changes to the levels of service regarding the traffic from the additional haul route, and the proposal had been coordinated with the Industrial Development Authority on numerous occasions. He noted that future improvements to Newsome Drive had also been coordinated.

Chairman Wiggins stated that York County appreciates everything Virginia Power has done for York County over the years, noting he had never seen a company get along as well with its neighbors as Virginia Power does here in York County. Chairman Wiggins stated the problem he saw was the intersection at the curve where Old York-Hampton Highway meets the road going into the industrial park. He stated he feels it is very dangerous in the early mornings and in the evenings.

Mr. Matthews spoke of the traffic analysis which was conducted for the application, stating the largest number of turning movements occurred during the morning hours, and they are vehicles leaving the industrial parks and going out to Route 17. He stated that when the projected added trips were added to the mix, the level of service was not affected adversely. Mr. Matthews also mentioned VDOT's plan to install a stop sign at the intersection if and when the two industrial parks were completely built out.

Discussion followed on VDOT plans to make improvements to Old York-Hampton Highway and the intersection in question.

Mr. James McCormick, 306 Allen Harris Drive, stated that in 1999 there was a considerable mining project proposed by Virginia Power to supply material to Amoco, and it was noted that the traffic impact was to be considerable at that time. The project was deemed inappropriate by the Board at the time, and in the same time period the Environmental Protection Agency denied the County's selected preference for the extension of Route 105 based on the fly ash hauling in the area. He stated these two issues are not addressed in any of the documents on this proposal, and he asked what had changed since that time. Mr. McCormick also noted there are houses along Old York-Hampton Highway, even if they are of a non-conforming nature, that will be affected by the increased traffic. Mr. McCormick expressed his agreement with Mr. Wiggins that the intersection was dangerous, and he suggested that the two existing haul routes were adequate.

Mrs. Noll asked Mr. Carter to clarify the need for the additional route.

Mr. Carter stated it was his understanding that there is difficulty meeting all the commercial entrance requirements for the Wolf Trap Road access route. He stated he did not recall that Newsome Drive was a proposed route in 1999 at the time the Wolf Trap Road route was considered.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Burgett stated that Virginia Power has always been an excellent corporate citizen in the community and goes above and beyond. He stated he could understand the importance of this new route because it is the most direct route and it goes through the industrial park that was created for the county. He stated the simplicity of this route makes it the best choice.

Mrs. Noll then moved the adoption of proposed Resolution R02-70 that reads:

A RESOLUTION TO AMEND RESOLUTION NO. R82-221(R-2), AS AMENDED BY RESOLUTION NOS. R92-191(R), R92-292, AND R99-69(R), REGARDING HAUL ROUTES FOR THE REMOVAL OF FLY ASH FROM THE DOMINION VIRGINIA POWER-YORKTOWN POWER STATION AND ASH DISPOSAL SITE

WHEREAS, Dominion Virginia Power has submitted Application No. UP-594-02 to amend Resolution No. R82-221(R-2), as amended by Resolution Nos. R92-191(R), R92-292, and R99-69(R), to expand and clarify the range of permitted haul routes for the removal of fly ash from Dominion Virginia Power-Yorktown Power Station and ash disposal site; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the comments of the public and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of May, 2002, that Application No. UP-594-02 be, and it is hereby, approved to amend Condition A33 of Resolution No. R82-221(R), as amended by Resolution Nos. R92-191(R), R92-292, and R99-69(R), to read and provide as follows:

- A33. Any entrance to or from the ash site to a secondary road in the State system, or, as in the case of Newsome Drive, a road proposed for acceptance into the State secondary system, shall be upgraded to the satisfaction of the Virginia Department of Transportation (VDOT) and York County prior to the commencement of any removal activities utilizing said entrance. In addition, a bond or other acceptable surety shall be posted with the Virginia Department of Transportation (VDOT) in the amount of \$25,000 to cover any road damages as a result of the removal operation. In addition, at no time shall this activity generate more than four hundred (400) vehicle trip ends per day.

Off-site transport of fly ash in non-hermetically sealed vehicles shall be permitted provided that the moisture content and all other applicable requirements specified herein are observed, and provided that non-rail transport routes shall be limited to primary and interstate highways and the following roads:

- A) That portion of Hornsbyville Road between the haul road and Goodwin Neck Road (Route 173).

- B) That portion of Wolftrap Road between the haul road and Goodwin Neck Road; and
- C) That portion of Newsome Drive from its eastern terminus to Old York-Hampton Highway (Route 634); and
- D) That portion of Old York-Hampton Highway between Newsome Drive and Route 17.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins  
 Nay: (0)

**MATTERS PRESENTED BY THE BOARD** (Continued)

Mr. Shepperd commented on the Zweibrücken Exchange Program and the events of May 4, stating he felt they were both positive events. Regarding the May 4 event at the Tabb Library, Mr. Shepperd stated he was very proud to be an American that day as he watched how the matter was handled by the law enforcement officers, County staff, and the citizens of York County. He commended all who were involved, stating the County was well protected at all times because of the superb planning and execution of plans for the day's events. He stated he felt positive things came out of a potentially negative situation.

Chairman Wiggins noted that this past Saturday was also Hometown Heroes Day for the Little League Softball teams, and he was surprised to learn that the players' heroes were not necessarily sports figures. He then noted that Daily Press reporter Kara Urbanski would no longer be covering York County for the paper, and he thanked her for all she had done for the County.

**CONSENT CALENDAR**

Mr. Burgett asked that Item No. 5 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, 6, 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins  
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

**Item No. 3. APPROVAL OF MINUTES**

The minutes of the following meeting of the York County Board of Supervisors were approved:

April 2, 2002, Regular Meeting

**Item No. 4. RATIFICATION OF LAW ENFORCEMENT MUTUAL AID AGREEMENTS: Resolution R02-96**

A RESOLUTION RATIFYING THE EXECUTION BY THE COUNTY ADMINISTRATOR OF LAW ENFORCEMENT MUTUAL AID AGREEMENTS WITH THE CITIES OF VIRGINIA BEACH, NORFOLK, AND PORTSMOUTH

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WHEREAS, a group known as the World Church of the Creator (WCOTC) renowned for its controversial views, reserved the Community Meeting Room in the Tabb Library for a meeting to be held on May 4, 2002; and

WHEREAS, meetings of the WCOTC in other jurisdictions have on occasion posed significant law enforcement issues; and

WHEREAS, the York County Sheriff, in concert with the Virginia State Police and other area law enforcement agencies, deemed it advisable to provide a law enforcement presence during the WCOTC meeting which exceeded the capacity of the York County Sheriff's Department; and

WHEREAS, it was deemed advisable to request logistical and personnel support from the Cities of Virginia Beach, Norfolk, and Portsmouth in providing law enforcement for the meeting; and

WHEREAS, with the knowledge and consent of individual members of this Board, the County Administrator entered into mutual aid agreements with the named cities pursuant to Code of Virginia § 15.2-1726; and

WHEREAS, this Board desires to ratify and confirm the actions of the County Administrator.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the actions of the County Administrator in entering into law enforcement mutual aid agreements with the Cities of Virginia Beach, Norfolk, and Portsmouth are hereby ratified and confirmed.

Item No. 6. MEDIC UNIT PROCUREMENT: Resolution R02-86.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT, EXECUTE AND APPROPRIATE TWO GRANTS AWARDED TO YORK COUNTY BY THE VIRGINIA DEPARTMENT OF HEALTH FOR THE REPLACEMENT OF MEDIC UNITS (AMBULANCES), TO APPROPRIATE INSURANCE FUNDS RECEIVED BY THE COUNTY AS A RESULT OF AMBULANCE THEFT AND DESTRUCTION, AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONCLUDE THE PURCHASE

WHEREAS, the Virginia Department of Health has awarded the County two grants totaling \$68,405 from the Virginia Rescue Squad Assistance Fund to be used toward the replacement of medic units (ambulances) based on a local match; and

WHEREAS, the County received \$18,667 from an insurance settlement for the medic unit that was destroyed last fall after its theft; and

WHEREAS, Capital Improvement Program funds for the replacement and refurbishment of medic units were budgeted this fiscal year and are not expended or obligated; and

WHEREAS, the Department of Fire and Life Safety has a need to replace two medic units and add one medic unit to meet its service demands; and

WHEREAS, the County Administrator has determined that this purchase is necessary and desirable, and that applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the County Administrator be, and hereby is, authorized to accept and execute the grants awarded by the Virginia Department of Health, which shall be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that \$68,405 from the Virginia Department of Health be, and it hereby is, appropriated in the General Fund for the purpose of purchasing three medic units.

BE IT STILL FURTHER RESOLVED that \$18,667 from the insurance settlement be, and it hereby is, appropriated in the General Fund for the purpose of purchasing three medic units.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to conclude the purchase arrangement for the three medic units referenced above for a total cost of \$281,986.

Item No. 7. WIRELESS E-911 FUND APPROPRIATION: Resolution R02-91.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT AND APPROPRIATE FUNDING OF \$245,965 FROM THE COMMONWEALTH OF VIRGINIA WIRELESS E-911 SERVICE BOARD FOR THE PROVISION OF PHASE II WIRELESS E-911 SERVICES WITHIN THE COUNTY

WHEREAS, York County applied for funding support from the Commonwealth of Virginia's Wireless E-911 Service Board for the provision of Phase II wireless E-911 services; and

WHEREAS, York County has been approved for funding by the Commonwealth of Virginia in the amount of \$245,965.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the County Administrator be, and hereby is, authorized to accept funding received from the Commonwealth of Virginia Wireless E-911 Service Board.

BE IT FURTHER RESOLVED that \$245,965 be, and it hereby is, appropriated in the General Fund for the purpose of providing wireless E-911 services, and that the County Administrator is hereby authorized to execute the necessary contract(s) with Verizon in the amount of \$224,965.

BE IT STILL FURTHER RESOLVED that additional funds which may be received from the Wireless E-911 Service Board be, and hereby are, appropriated in the General Fund for the purpose of providing wireless E-911 services.

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT—LIGHTFOOT CROSSING: Resolution R02-81.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS LIGHTFOOT CROSSING, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Lightfoot Crossing, L.L.C. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a new wholesale/retail center; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed



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by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$3,175.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the Board approves the extension of the County's public sewer system to serve the proposed development, Lightfoot Crossing, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Lightfoot Crossing, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. PUBLIC WATER EXTENSION AGREEMENT—LIGHTFOOT CROSSING: Resolution R02-82.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S WATER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS LIGHTFOOT CROSSING, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Lightfoot Crossing, L.L.C. has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve a new wholesale/retail center; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code, the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$2,775.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the Board approves the extension of the County's public water system to serve the proposed development, Lightfoot Crossing, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Lightfoot Crossing, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 5. APPROVAL OF PROCUREMENT ACTION: Proposed Resolution R02-85 (Removed from Consent Calendar)

Mr. Burgett asked how much money the credit card service will save the County.

Ms. Marycarol White, Director of Financial and Management Services, explained that this service was a convenience for the users of recreation programs. No money is being expended or put aside to be expended for the service at this time. The County expects to see fees of approximately \$150,000 generated in the recreation programs that will be paid for by credit card.

Discussion followed.

Mr. Burgett then moved the adoption of proposed Resolution R02-85 that reads:

A RESOLUTION TO CONDUCT CREDIT CARD PROCESSING;  
CONSTRUCT THE KAY LANE WATER AND SEWER PROJECT;  
AND REPLACE WINDOWS AT THE GRIFFIN-YEATES CENTER

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Credit Card Processing Services	0
Kay Lane Water and Sewer Project	\$ 96,095
Griffin-Yeates Center Window Replacement	\$143,585

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

### **NEW BUSINESS**

#### **MAIN STREET PEDESTRIANS-ONLY DESIGNATION**

Mr. Carter made a presentation on proposed Resolution R02-92 to endorse the proposed expansion of the Main Street pedestrians-only street closure program in Yorktown to cover evening hours.

Chairman Wiggins stated he could not see any reason to deny the proposal.

Mr. Burgett questioned the current hours of the closure program, stating the tours would be continued whether the streets were closed or not. He asked if the Board might be setting a precedent in that the proposal is to benefit one user.

Mrs. Noll stated that none of the residents in Yorktown have objected to the proposal, and they probably like the idea of having the streets devoid of traffic in the evening hours. She agreed that the proposal was based on one user at this time, but she stated it has potential for more far-reaching effects. Mrs. Noll then moved the adoption of proposed Resolution R02-92 that reads:

A RESOLUTION TO ENDORSE THE PROPOSED EXPANSION OF  
THE MAIN STREET PEDESTRIANS-ONLY STREET CLOSURE PRO-  
GRAM IN YORKTOWN TO COVER EVENING HOURS

WHEREAS, since 1992, the York County Board of Supervisors has sponsored and endorsed an initiative under which Main Street in historic Yorktown is closed to vehicular traffic during certain days and hours in order to accommodate pedestrians who are visiting attractions and shops along the street; and

WHEREAS, this initiative has contributed positively to the experience, enjoyment and safety of visitors walking along Main Street and has been well received by business operators and residents alike; and

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WHEREAS, with the ever increasing attractiveness of Yorktown as a visitor destination, there is anticipated to be a corresponding increase in pedestrian traffic along Main Street and a probable increase in evening visitation; and

WHEREAS, to better accommodate the evening visitors, and to ensure their safety and enjoyment of the Main Street experience, the Board believes it would be desirable to extend the pedestrians-only restrictions to as late as 10:00 pm on certain days of the week and particularly on those when large numbers of evening visitors are anticipated; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of May, 2002, that it does hereby endorse and approve, subject to all applicable authorizations from the Virginia Department of Transportation, the expansion of the current pedestrians-only restrictions on Main Street to cover on a daily basis the hours between 8:00 am and 10:00 pm.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, authorized to use his discretion in determining the exact days of the week to be subject to the restriction based on the anticipated visitor attendance as well as the logistics associated with placement and removal of the street barricades.

On roll call the vote was:

Yea: (3) Shepperd, Noll, Wiggins  
Nay: (1) Burgett

**CLOSED MEETING.** At 9:12 p.m. Mrs. Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and the salary of a specific County officer; and Section 2.1-3711(a)(3) pertaining to the acquisition or disposition of public property.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins  
Nay: (0)

Meeting Reconvened. At 9:50 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of May, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins  
 Nay: (0)

### **2007 CELEBRATION**

Mrs. Noll commented on plans for the 2007 Celebration and discussed ways the County might become involved.

### **FUNDING FOR JUVENILE SERVICES**

Mr. McReynolds briefed the Board on a staff proposal to fund 2 FTEs in Juvenile Services for the 12-month period from July 1, 2002, to June 30, 2003.

By consensus the Board approved the expenditure of \$75,000 from the Contingency Reserve for this purpose.

**CLOSED MEETING.** At 10:00 p.m. Mrs. Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and the salary of a specific County officer; and Section 2.1-3711(a)(3) pertaining to the acquisition or disposition of public property.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins  
 Nay: (0)

Meeting Reconvened. At 10:30 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

#### **A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING**

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of May, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins  
 Nay: (0)

### **APPOINTMENTS TO THE 2002-2003 YOUTH COMMISSION**

Mrs. Noll moved the adoption of proposed Resolution R02-93(R) that reads:

May 7, 2002

A RESOLUTION TO APPOINT MEMBERS TO THE YORK COUNTY  
YOUTH COMMISSION FOR 2002 - 2003

WHEREAS, the York County Board of Supervisors established the York County Youth Commission on March 3, 1983; and

WHEREAS, the revised bylaws of December 5, 2000 direct there shall be up to fifteen individuals appointed, three from each voting district, grades 9 through 12, to serve on the Commission;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 7th day of May, 2002, that the following individuals be, and they hereby are, appointed to the York County Youth Commission for 2002 - 2003.

<u>Name</u>	<u>Election District</u>
Jessica Case	2
Katherine Kross	2
Shamus Williams	2
Nicole Eickhoff	3
James Noel	3
Kyle B. Rowley	3
Arrion Nicole Dennis	4
Ben Perkins	4
Courtney Rosso	4
Brittany Hall	5
Ryan McConnel	5
Chad Joseph Vaillancourt	5

BE IT FURTHER RESOLVED that the above-named individuals' terms will begin on July 1, 2002, and expire June 30, 2003.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins  
Nay: (0)

APPOINTMENTS TO THE STORMWATER ADVISORY COMMITTEE

Mr. Shepperd moved the adoption of proposed Resolution R02-83(R) that reads:

A RESOLUTION TO APPOINT FOUR CITIZEN MEMBERS TO THE  
YORK COUNTY STORMWATER ADVISORY COMMITTEE

WHEREAS, the guidelines for the terms and qualifications for such members are outlined in Board Resolution R02-7(R);

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of May, 2002, that the following individuals be, and they are hereby, appointed as members of the York County Stormwater Advisory Committee:

District 3	Michael A. Bossie	Richard H. Carver
District 5	Robert S. Brodel	Matthew B. Teasdale

BE IT FURTHER RESOLVED that such individual appointments are to take effect July 1, 2002, and expire June 30, 2004, upon resignation of the member, or by the pleasure of the Board, whichever comes first; and no member shall serve longer than two consecutive terms.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins  
Nay: (0)

Meeting Adjourned. At 10:35 p.m. Mr. Burgett moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Donald E. Wiggins, Chairman  
York County Board of Supervisors